

CONFERENCE COMMITTEE REPORT DIGEST FOR EHB 1951

Citations Affected: IC 25-34.5-2-6.4; IC 25-34.5-2-14.

Synopsis: Health professions and prescription drugs. Adds "Rx Only" as a federal legend for which prescriptions may not be refilled without written or oral authorization of a licensed practitioner. Requires a prescription to contain the date of issue. Provides that a prescription is valid for not longer than one year after the original date of issue (instead of the original date of filling). Adds gamma-hydroxybutyric acid (GHB) as a Schedule I depressant. Adds any drug product containing GHB, including its salts, isomers, and salts of isomers, for which an application is approved under the federal Food, Drug and Cosmetic Act, as a Schedule III depressant. Adds Zolpidem (Ambien) as a Schedule IV depressant. Amends the requirements for a respiratory therapist student permit. (This conference report does the following: (1) amends the requirements for a respiratory therapist student permit; and (2) makes technical changes.)

Effective: Upon passage; July 1, 2001.

Adopted

Rejected

CONFERENCE COMMITTEE REPORT

MR. SPEAKER:

Your Conference Committee appointed to confer with a like committee from the Senate upon Engrossed Senate Amendments to Engrossed House Bill No. 1951 respectfully reports that said two committees have conferred and agreed as follows to wit:

that the House recede from its dissent from all Senate amendments and that the House now concur in all Senate amendments to the bill and that the bill be further amended as follows:

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning health.
- 3 Page 2, line 39, strike "invitro" and insert "**in vitro**".
- 4 Page 3, line 24, strike "means a physician licensed under IC 25-22.5,
- 5 a" and insert "**has the meaning set forth in IC 16-42-19-5.**".
- 6 Page 3, strike lines 25 through 27.
- 7 Page 8, line 12, after "written order" insert ",".
- 8 Page 8, line 13, delete "from a practitioner" and insert "**that is**
- 9 **immediately reduced to writing by the pharmacist, from an**
- 10 **optometrist**".
- 11 Page 8, line 14, after "device" insert ",".
- 12 Page 9, line 19, delete "the Committee on Allied" and insert "**an**
- 13 **accrediting**".
- 14 Page 9, delete lines 20 through 22.
- 15 Page 9, run in lines 19 and 23.
- 16 Page 10, delete lines 11 through 21.
- 17 Page 10, between lines 35 and 36, begin a new paragraph and insert:
- 18 "SECTION 13. IC 25-34.5-1-4.7, AS ADDED BY P.L.60-2000,
- 19 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2001]: Sec. 4.7. "Other authorized health care professional"
- 21 means a licensed health care professional whose scope of practice:

(1) includes the ~~respiratory care practice task~~ being supervised;
and

(2) authorizes the professional to supervise an individual who is not licensed, certified, or registered as a health care professional.

SECTION 14. IC 25-34.5-2-6.4, AS ADDED BY P.L.60-2000, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 6.4. (a) **Notwithstanding any other law and except as otherwise provided in this article, to perform the practice of respiratory care other than a task, an individual must be:**

(1) a practitioner; or

(2) a licensed, registered, or certified health care professional whose scope of practice includes the respiratory care practice.

(b) An individual who is not a licensed, registered, or certified health care professional may perform a task only:

(1) under the proximate supervision of a practitioner or other authorized health care professional; and

(2) if the individual has demonstrated to the facility that employs or contracts with the individual competency to perform the task.

The facility shall document competency in accordance with licensure, certification, and accreditation standards applicable to the facility.

~~(b)~~ **(c)** A practitioner may do the following:

(1) Delegate tasks.

(2) Supervise the performance of tasks.

SECTION 15. IC 25-34.5-2-14, AS ADDED BY P.L.60-2000, SECTION 20, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 14. (a) The committee ~~may~~ **shall** issue a student permit to an individual if the individual does the following:

(1) Submits the appropriate application to the committee.

(2) Pays the fee established by the board.

(3) Submits **written** proof to the committee that the individual is a student in good standing in a respiratory care **school or** program **that has been:**

(A) approved by the committee for purposes of section 8(b)(1) of this chapter;

(B) approved by the committee for purposes of section 10.1(a)(3)(B) of this chapter; or

(C) otherwise approved by the committee.

(4) Submits satisfactory evidence that the individual:

(A) does not have a conviction described in section 8(a)(1) of this chapter; and

(B) has not been the subject of a disciplinary action described in section 8(a)(2) of this chapter.

(b) The committee shall issue a student permit as soon as it is reasonably practicable after an individual fulfills the requirements of subsection (a).

~~(b)~~ **(c)** An individual who holds a student permit may only perform respiratory care procedures that have been part of a course:

(1) the individual has successfully completed in the respiratory care program designated under subsection (a)(3); and

(2) for which the successful completion has been documented and

that is available upon request to the committee.

(d) The committee may expand the list of respiratory care procedures that an individual may perform under the individual's student permit to include additional respiratory care procedures that have been part of a course:

(1) that the individual has successfully completed in the respiratory care program designated under subsection (a)(3); and

(2) for which the individual's successful completion has been documented.

Upon request by the committee, the individual shall provide documentation of the successful completion of a course described in this subsection.

~~(c)~~ (e) The procedures permitted by ~~subsection (b)~~ under subsections (c) and (d) may be performed only:

(1) on adult patients who are not critical care patients; and

(2) under the proximate supervision of a practitioner.

(f) A holder of a student permit shall meet in person at least one (1) time each working day with the permit holder's supervising practitioner or a designated respiratory care practitioner to review the permit holder's clinical activities. The supervising practitioner or a designated respiratory care practitioner shall review and countersign the entries that the permit holder makes in a patient's medical record not more than seven (7) calendar days after the permit holder makes the entries.

(g) A supervising practitioner may not supervise at one (1) time more than three (3) holders of student permits issued under this section.

~~(d)~~ (h) A student permit expires on the earliest of the following:

(1) The date the permit holder is issued a license under this article.

(2) The date the committee disapproves the permit holder's application for a license under this article.

(3) The date the permit holder ceases to be a student in good standing in a respiratory care program approved by the committee. The graduation of a student permit holder from a respiratory care program approved by the committee does not cause the student permit to expire under this subdivision.

(4) Sixty (60) days after the date that the permit holder graduates from a respiratory care program approved by the committee.

(5) The date that the permit holder is notified that the permit holder has failed the licensure examination.

(6) Two (2) years after the date of issuance."

Page 20, after line 5, begin a new paragraph and insert:

"SECTION 20. [EFFECTIVE UPON PASSAGE] (a) Not later than July 2, 2001, the respiratory care committee established by IC 25-34.5-2-1 shall have an appropriate application for a student permit available for use by applicants under IC 25-34.5-2-14, as amended by this act.

(b) This SECTION expires July 31, 2001.

SECTION 21. [EFFECTIVE UPON PASSAGE] (a) If the medical

1 licensing board established by IC 25-22.5-2-1 does not establish the
 2 fee for a student permit under IC 25-34.5-2-14, as amended by this
 3 act, the fee is twenty-five dollars (\$25).

4 (b) The fee established by the medical licensing board for a
 5 student permit under IC 25-34.5-2-14, as amended by this act, may
 6 not be greater than the fee for a license as a respiratory care
 7 practitioner.

8 (c) This SECTION expires July 1, 2002.

9 SECTION 22. [EFFECTIVE UPON PASSAGE] (a) This SECTION
 10 applies to an individual who:

11 (1) before July 1, 2001, submits a request for an application for
 12 a student permit under IC 25-34.5-2-14, as amended by this
 13 act; and

14 (2) at the time of submitting a request for an application for a
 15 student permit:

16 (A) has been employed in or was otherwise under contract or
 17 other arrangement with the same respiratory care setting
 18 since June 30, 2001, and continues to be employed; and

19 (B) is a student in good standing in a school or program
 20 identified in IC 25-34.5-2-14, as amended by this act, since
 21 June 30, 2001, and continues to be a student in good
 22 standing.

23 (b) An individual described in subsection (a) may continue to
 24 work in a respiratory care setting as if the individual held a student
 25 permit until:

26 (1) the respiratory care committee established by
 27 IC 25-34.5-2-1 issues a student permit to the individual, at
 28 which time the individual will be a student permit holder under
 29 IC 25-34.5-2-14, as amended by this act; or

30 (2) the individual receives notification from the respiratory
 31 care committee that the individual's application for a student
 32 permit is denied.

33 (c) An individual who is permitted to work under subsection (b)
 34 may only perform those respiratory care procedures that qualify
 35 under IC 25-34.5-2-14(c) and IC 25-34.5-2-14(d), as amended by
 36 this act.

37 (d) This SECTION expires October 1, 2001.

38 SECTION 23. An emergency is declared for this act."

39 Renumber all SECTIONS consecutively.

(Reference is to EHB 1951 as printed April 6, 2001.)

Conference Committee Report
on
Engrossed House Bill 1951

Signed by:

Representative Welch
Chairperson

Senator Miller

Representative Becker

Senator Howard

House Conferees

Senate Conferees